



To: Mayor & Council
BL 8.5.09

MEMORANDUM

TO: Beverly Cameron, Interim City Manager
FROM: Steve Smallwood, Director, Building and Development Services, *SS*
DATE: July 20, 2009
SUBJECT: Easement on City Property for Stormwater Drainage Infrastructure Pipe

ISSUE:

Consideration of a request by the Rappahannock Area Community Services Board (RACSB) to dedicate a 20' storm drainage easement dedicated as public use on a portion of the City's property located at 608 Jackson Street, Tax Map 122-608, known as Fredericksburg Health Department.

RECOMMENDATION:

The City Council should authorize the 20' Storm Drainage Easement Dedicated To Public Use.

BACKGROUND:

The site development plan of the Sunshine Lady House by the applicant, RACSB, located at 615-619 Wolfe Street was originally approved to construct the outfall pipe of the storm water management facility through the RACSB adjoining parcel located on Jackson Street. Due to conflicting utility locations and existing Dominion Power utility easements, the applicant has requested an easement across City property.

The applicant, RACSB and the City have signed a license to use City property, dated May 19, 2009.

Therefore, it is my recommendation that the City Council authorize the 20' Storm Drainage Easement to be dedicated to public use.

FISCAL IMPACT:

None



MOTION:

**August 11, 2009
Regular Meeting
Ordinance No. 09-__**

SECOND:

**RE: GRANTING RAPPAHANNOCK AREA COMMUNITY SERVICES BOARD A
STORM DRAINAGE EASEMENT ON 608 JACKSON STREET**

First reading:_____ Second reading: _____

IT IS HEREBY ORDAINED by the City Council of the City of Fredericksburg, Virginia, as follows:

SEC. I. Introduction.

The City owns a parcel of land located at 608 Jackson Street, adjacent to property owned by the Rappahannock Area Community Services Board (RACSB). RACSB wishes to use a twenty-foot storm drainage easement across the City's land, where it adjoins the RACSB parcel, for the installation of storm drainage facilities.

City Council wishes to grant RACSB permission to use an easement across the property in accordance with the terms and conditions of a Deed of Easement negotiated with the RACSB and attached hereto as Exhibit A. Council held a public hearing on this proposed easement on August 11, 2009.

SEC. II. Grant of Easement.

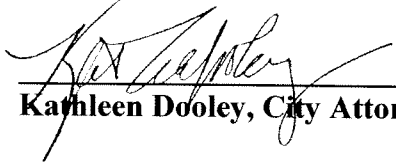
The City Manager is authorized to execute, on behalf of the City of Fredericksburg, a Deed of Easement for the non-exclusive right to use, install, inspect, clear, maintain, operate and repair storm water drainage lines and facilities to be constructed by RACSB over, under, through and across the property at 608 Jackson Street, in substantial accordance with Exhibit A. The easement shall be limited to a term of forty years, in accordance with Virginia Constitution Article VII section 9, and shall contain such other terms and conditions as the City Manager deems suitable and as the City Attorney may approve as to form and legality.

SEC. III. Effective Date.

This ordinance shall be effective immediately. Rappahannock Area Community Services Board shall record a certified copy of this ordinance with the Deed of Easement in the records of the Clerk of the

record a certified copy of this ordinance with the Deed of Easement in the records of the Clerk of the Circuit Court of the City of Fredericksburg.

Approved as to form:



Kathleen Dooley, City Attorney

Clerk's Certificate

I, the undersigned, certify that I am Clerk of Council of the City of Fredericksburg, Virginia, and that the foregoing is a true copy of Ordinance No. 09-_____, duly adopted the City Council meeting held _____ at which a quorum was present and voted.

Tonya B. Lacey
Clerk of Council